

NEW HAMPSHIRE REAL ESTATE COMMISSION

COMMISSION MEETING

JUNE 17, 2003

A meeting of the New Hampshire Real Estate Commission was held on Tuesday, June 17, 2003 at 9:00 a.m. in Room 425, State House Annex, 25 Capitol Street, Concord, New Hampshire 03301.

Meeting called to order at 9:00 a.m. by Chairman ARTHUR SLATTERY

Present: Commissioners ARTHUR SLATTERY, MARTIN SMITH, PAULINE IKAWA, NANCY LeRoy, Executive Director BETH EMMONS, and Investigator ANN FLANAGAN.

- I. Motion by Commissioner LeRoy, seconded by Commissioner Smith, to approve and accept the minutes of the Commission meeting held on May 13, 2003.

II. APPOINTMENTS

9:00 a.m. - Equivalency Interviews - None

9:20 a.m. - WILLIAM FRALICK appeared before the Commission to explain a "yes" answer to question #7 on his original salesperson's application. After review and discussion, the Commission unanimously decided to conduct a further investigation into the information supplied by Mr. Fralick and tabled its decision until the July 15, 2003 Commission meeting.

9:30 a.m. - JOHN MCCANN appeared before the Commission to explain a previous legal incident prior to applying for a salesperson's license. After review and discussion, and on motion by Commissioner SMITH, seconded by Commissioner IKAWA, the Commission unanimously decided to deny Mr. McCann's request, and instructed Mr. McCann to re-apply at the time he is released from his obligations of the legal incident, and at the time that Mr. McCann re-applies, the Commission will reconsider his request.

10:25 a.m. - STEVEN EASTMAN appeared before the Commission to request a waiver from RSA 331-A:5-a - Lapse of License. Mr. Eastman's license lapsed in April 1992. The Commission present and voting during the Commission meeting held in April 1992, lapsed Mr. Eastman's real estate broker's license, because he failed to provide good cause why it should not be lapsed. After review and discussion, and on motion by Commissioner LeRoy, seconded by Commissioner IKAWA, the Commission voted to uphold the original decision of the Commission in April 1992.

III. DISCUSSION

NEAL BARRETT, JIM DESTEFANO, MARYPAT BILODEAU AND ANGELINE KOPKA of the Core Course Development Committee appeared before the Commission to discuss the development of a Core Course Guide. This guide would be provided to accredited real estate core instructors by the Commission and developed by the Commission, along with the members of the Core Course Development Committee. The purpose of the guide would not be to require the instructors to provide their course verbatim to the guide, but to provide the instructors the updates

of the laws, the interpretations of the laws and Commission decisions and interpretations, to ensure that instructors are providing consistent information. This guide would provide the minimum information that would be used as a baseline for the course. The Commission instructed the Committee to proceed with the guide. Once the guide is completed, the guide will be presented to the Commission for its consideration.

JOSEPHINE GERMANO submitted a request to the Commission to reconsider its decision on File No. 2002-11-02. After review and discussion, the Commission decided to table its decision, so that they could further discuss the decision made on this case with the evaluator. Commissioner HEATH was the evaluating commissioner and was not present at this meeting.

ROZ CAPLAN requested a ruling as to whether it is permissible for a selling agency (not a listing agency) to advertise the property as "pending" or "sold". After review and discussion, the Commission decided that it was permissible.

IV. HEARING 9:40 AM

FILE NO. 2002-07-02 YOUNG HEE KIM & NEW HAMPSHIRE REAL ESTATE COMMISSION VS. JAMES N. TAYLOR

Evaluator: Commissioner HEATH

The following persons were present at the hearing:

Commission: Commissioners ARTHUR SLATTERY, MARTIN SMITH, PAULINE IKAWA, NANCY LeRoy, Executive Director BETH EMMONS and Investigator ANN FLANAGAN.

Stenographer: Barry Nolin

Gerard J. Nolin & Associates, LLC
P.O. Box 1088
Concord, NH 03302-1088

Evaluator: Commissioner HEATH evaluated the above matter and abstained from participation in the discussion and resulting decisions.

Complainant: Young Hee Kim

42 High Range Road
Londonderry, NH 03053

&

N.H.R.E.C. through its Investigator Ann Flanagan

Attorney: Pro Se

Respondent: James N. Taylor

Prudential Verani Realty
80 Perkins Road
Londonderry, NH 03053

Attorney: Blake M. Sutton, Esq.

Nelson, Kinder, Mosseau & Saturley, PC
99 Middle Street
Manchester, NH 03101

Witnesses: None

DECISION: Pending – subject to review of transcripts and exhibits.

V. OTHER BUSINESS

1. Tuesday, June 17, 2003, was unanimously approved as the date for the next regular meeting.

2. CASE EVALUATIONS

(a) FILE NO. 2002-08-06

Evaluator: Commissioner IKAWA
Determination: No violation, should not be heard.

(b) FILE NO. 2003-02-01

Evaluator: Commissioner LeRoy
Determination: No violation, should not be heard.

(c) FILE NO. 2003-02-02

Evaluator: Commissioner SLATTERY
Determination: No violation, should not be heard.

(d) FILE NO. 2003-02-03

Evaluator: Commissioner IKAWA
Determination: No violation, should not be heard.

(e) FILE NO. 2003-02-04

Evaluator: Commissioner SLATTERY
Determination: Should be heard, hearing to be scheduled. In the alternative, the Commission unanimously approved to offer the Respondent a Settlement Agreement with a disciplinary fine in the amount of \$100.00.

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- (f) **FILE NO. 2003-02-05**
Evaluator: Commissioner LeRoy
Determination: No violation, should not be heard.
- (g) **FILE NO. 2003-04-07**
Commissioner SLATTERY
Determination: No violation, should not be heard.
- (h) **FILE NO. 2003-05-01**
Commissioner SLATTERY
Determination: Should be heard, hearing to be scheduled.

The above determinations were unanimously approved.

VI. ADJOURNMENT

Motion by Commissioner SLATTERY, seconded by Commissioner IKAWA to adjourn the meeting. Chairman SLATTERY adjourned the meeting at 11:59 a.m.

Respectfully submitted,

Pauline A. Ikawa

PAULINE A. IKAWA
Acting Clerk